

**AN ORDINANCE
BY: COUNCILMEMBER KWANZA HALL**

**AS SUBSTITUTED AND AMENDED
BY: TRANSPORTATION COMMITTEE**

AN ORDINANCE TO AMEND DIVISION 2 OF ARTICLE IV OF CHAPTER 150 TRAFFIC AND VEHICLES, SECTION 150-113 AND TO ADD NEW SECTIONS 150-120 THROUGH 150-131 IN NEW DIVISION 2A OF ARTICLE IV OF CHAPTER 150 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO ESTABLISH A PILOT PROGRAM TO PERMIT VALET PARKING SERVICES; TO ESTABLISH PROCEDURES FOR THE PERMITTING AND REGULATION OF THE VALET PARKING SERVICES PILOT PROGRAM; TO AUTHORIZE THE CHARGING OF FEES IN CONNECTION WITH THE REGULATION AND PERMITTING OF THE VALET PARKING SERVICES PILOT PROGRAM, TO ESTABLISH PENALTIES FOR THE VIOLATION OF THE PROCEDURES AND REQUIREMENTS FOR THE VALET PARKING SERVICES PILOT PROGRAM, AND FOR OTHER PURPOSES.

WHEREAS, by Ordinance 97-O-0374 adopted by the Atlanta City Council on May 5, 1997, and approved by the Mayor on May 14, 1997, curbside valet parking pick-up/drop-off zones are permitted; and,

WHEREAS, said Ordinance authorized the Department of Public Works Office of Transportation to establish procedures and requirements for permitting said zones; and,

WHEREAS, it is in the best interest of the City of Atlanta to authorize the establishment of an appropriate fee for permitting and designating said services; and,

WHEREAS, it is in the best interest of the City of Atlanta to provide penalties for the violation of the procedures and requirements for valet parking services; and,

WHEREAS, the City Council and the Department of Public Works seek to review and evaluate the overall operation of valet parking services within the public right of way for a period of eighteen months through the initiation of a Valet Parking Services Pilot Program

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1 Section 150-113 of the City of Atlanta Code of Ordinance, which currently reads:

Sec. 150-113. Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, or passengers and drivers for the provision of off-street attendant parking services in any place marked as a passenger curbside loading zone during hours when the regulations applicable to that curbside loading zone are effective.

Is hereby amended as follows (underlined text is added, deleted text is ~~stricken~~):

Sec. 150-113. Stopping, standing or parking in passenger curbside loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, or passengers and drivers for the provision of off-street attendant parking services as defined and regulated by Sections 150-120 through 150-131 in any place marked as a passenger curbside loading zone during hours when the regulations applicable to that curbside loading zone are effective.

SECTION 2 A new Division 2A, entitled “**Valet Parking Services Pilot Program**” is added to the City of Atlanta Code of Ordinances within Chapter 150 Traffic and Vehicles, Article IV. Stopping, Standing and Parking, as follows.

Sec 150-120. Valet Parking Services Pilot Program

- a. Duration: A Valet Parking Services Pilot Program is established for the purpose of permitting and regulating on-street valet parking services. The pilot program shall expire on January 31, 2010.
- b. The Pilot Program duration may be extended or the program converted to a permanent program only with the approval of City Council.
- c. Geographic Area: The Valet Parking Services Pilot Program shall be permitted only within the boundaries of the Atlanta Downtown Improvement District and the Midtown Improvement District. Permits for valet parking services shall be permitted only if the valet parking service pick-up/drop-off zone and valet parking service reservoir area are located entirely within the boundaries of the Atlanta Downtown Improvement District and the Midtown Improvement District.
- d. This Division, as well as all related and applicable Code Sections contained in Chapter 150 of the City’s Code of Ordinances, are not applicable to the “Airport”, as that term is defined in Chapter 22, Article III., Division 1, Section 22-56 of the City’s Code of Ordinances.

Sec 150-121. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Attendant means a person who operates a vehicle between a pick-up/drop-off zone and a parking location on behalf of a valet parking service. Attendants are required to wear a badge, uniform or shirt which identifies the attendant as an authorized employee of the valet parking service.

Permittee means a person permitted under this division to operate a valet parking service. The term includes any employee, agent or independent contractor of the person in whose name the permit is issued.

Valet Parking Service means a business, or any part of a business, which provides a driver to operate a vehicle to and from a parking location so that the driver and passengers in the vehicle may unload and load at their immediate destination regardless of whether a fee is charged.

Valet Parking Service Pick-Up/Drop-Off Zone means a designated location where an attendant takes possession of a vehicle for the purpose of parking and returns the vehicle to the possession of the driver thereof. Said zones:

- a. Shall be approved by the Department of Public Works
- b. Shall be a minimum length of 50 feet and may not exceed the length of the permittee's property frontage(s) on the City street(s) adjoining such property.
- c. Shall exist only on City streets that are a minimum of 30 feet wide.
- d. Shall be permitted only in the curb lane of the street.
- e. May be permitted where parking meters are installed.
- f. Shall not be permitted in an area in which parking is restricted for other use.
- g. Shall not be located within 20 feet of a crosswalk or 30 feet of an intersection, whichever is greater
- h. Shall not be located within 5 feet of a driveway
- i. Shall not be located within 3 feet in front of or 15 feet behind a sign marking a designated bus stop
- j. Shall not reduce the unobstructed space for the passage of pedestrians to less than 4 feet unless a greater distance is required by the Commissioner and warranted by special pedestrian traffic conditions.
- k. Shall not be located within the area used by vehicle detection devices near signalized intersections.
- l. Shall not be located on any street that is part of the Georgia Department of Transportation State Route System

Valet Parking Service Reservoir Area means premises where a valet parking service parks vehicles. Said area:

- a. Shall be approved by the Department of Public Works
- b. Shall be appropriately zoned in accordance with the City of Atlanta Zoning Code
- c. Shall comply with the requirements set forth in the City of Atlanta Ordinance contained in Part 16 of the City of Atlanta Land Development Code and in particular at Sections 16-28.014(1) and (3), Section 158-30, and any other applicable code sections
- d. Shall be located within a 1,000 feet radius of the associated pick-up/drop-off zone.
- e. Shall not be located within the public right-of-way

Valet Parking Service Stand means a temporary removable structure located near the pick-up/drop-off zone that is utilized by the valet operator for the general conduct of the valet parking service, including the dispatch of attendants and the storage of keys, umbrellas and other items.

Sec 150-122. Purpose

- a. The Department of Public Works Office of Transportation is authorized to issue permits for the operation of valet parking service on the public right of way.
- b. Other than permitting and regulating valet parking service, this ordinance does not remove or modify any current rules and regulations applicable to off-street attendant parking services.
- c. Nothing in this division shall be construed to permit a commercial establishment to substitute valet off-street attendant parking services for any parking requirements imposed by the City of Atlanta Code of Ordinances including but not limited to the Zoning Ordinance contained in Part 16 of the City of Atlanta Land Development Code or in the provisions related to the control of alcoholic beverages contained in Chapter 10 of the Code of Ordinances.
- d. Nothing in this division shall be construed to give any person, whether or not a permittee, any property right in or to use any street. All permits issued and held under this division shall be subject to the superior right of the public to the safe and orderly movement of traffic.

Sec 150-123. Permit Required

- a. A permittee must keep on the premises of the permitted location a valet parking service permit at all times and may be subject to inspection by any authorized official of the City of Atlanta.

- b. All valet parking service permits shall be valid until January 31, 2010. Permit fees for periods greater than or less than one year will be prorated accordingly.

Sec 150-124. Standards of Operation

- a. A permittee shall:
 - 1. Allow only employees and independent contractors who hold a valid state driver's license, and who are covered by insurance as required by Section 150-126 of this division, to operate any vehicle in connection with the valet parking service;
 - 2. Maintain a valet parking service stand that meets the requirements of Section 150-125 at each location where the permittee provides valet parking service;
 - 3. Operate the valet parking service in a manner that does not:
 - i. use or occupy more of the public right-of-way than is allowed by the valet parking service permit;
 - ii. unreasonably interfere with safe traffic operations of roadways, driveways and intersections;
 - iii. obstruct a pedestrian's use of a sidewalk;
 - iv. obstruct a vehicle operator's ability to see any part of an intersecting road; or
 - v. injure, damage, or create a hazard to persons or property;
 - 4. Not park or allow the parking of a vehicle in a valet parking service space, or allow the loading and unloading of goods, equipment, or merchandise, but shall only use the space for loading and unloading passengers; in no event shall a vehicle be allowed to remain in a valet parking service space for more than five minutes;
 - 5. Place no more than one valet parking service stand in the public right-of-way;
 - 6. Not place a sign identifying or advertising the service on a street or sidewalk unless the sign is located on the valet parking service stand or as provided for in Section 150-125 (c);
 - 7. At no time allow a vehicle to be unattended in a pick-up/drop-off zone;
 - 8. Continuously provide valet parking service during all hours of operation authorized in the permit;
 - 9. Only use an off-street parking location to park a vehicle accepted for valet parking service and shall not park the vehicle in the public right-of-way; and

10. Notify the Department of Public Works within 10 days of a change in the location of off-street parking and provide the Commissioner of Public Works with a signed agreement or other documentation showing that the permittee has a legal right to park vehicles at the new location.
- b. At all times other than the authorized hours of operation of a valet parking service, spaces reserved by the valet parking service shall be available for use by the general public on a first-come, first-served basis in accordance with posted signs and other traffic control devices, except where parking is restricted or prohibited.

Sec 150-125. Valet Parking Service Stand

- a. A permittee shall provide one valet parking service stand at each permitted location. The valet parking service stand may be located in the public right-of-way at a location approved by the Department of Public Works or within the adjacent building for whose benefit the valet parking service is provided. The valet parking service stand must be necessary to the general conduct of the valet parking service and shall be used for such purposes, including, but not limited to, the dispatch of valets and the storage of keys, umbrellas, and other items.
- b. A valet parking service stand shall:
 - 1. occupy an area of the public right-of-way no greater than four feet by four feet with a minimum of 4 feet unobstructed pedestrian clear zone
 - 2. not be permanently affixed to the public right-of-way in any manner;
 - 3. be easily moveable by one person;
 - 4. be removed from the public right-of-way when the valet parking service is not being operated;
 - 5. be secured and locked when left unattended; and
 - 6. have affixed a sign not larger than four feet by four feet for the sole purpose of identifying the valet parking service indicating the name of the operator of the valet parking service and the fee for valet parking service, if any.
 - 7. Provide and maintain a trash receptacle.
- c. If the valet parking service stand is located within a building, the permittee shall provide a portable sign that meets the requirements of Section 150-125 (b)(6) and meet all City Code requirements including the Zoning code.

Sec 150-126. Insurance

- a. A permittee shall procure, or cause to be procured, and keep continuously in full force and effect during the duration of valet parking service operations, and shall keep on file with the Department of Public Works, a policy of Comprehensive General Liability insurance, Business Auto Liability insurance, and Garage Keeper's insurance, on a certificate of insurance, issued by a casualty insurance company authorized to do business in this state and in the standard form approved by the insurance commissioner of the state. The insured provisions of the policy must include the city, and its officers and employees, as additional insureds and the coverage provisions must insure the public against loss or damage that may arise to any person or property by reason of the operation of a valet parking service by the permittee.
- b. The Comprehensive General Liability insurance must be on a broad form and provide limits of liability for bodily injury and property damage in an amount of \$1,000,000 per occurrence with a \$2,000,000 aggregate.

- c. The Business Auto Liability insurance must provide limits of liability for bodily injury and property damage in an amount not less than \$500,000 combined single limit. The following extensions of coverage must be included.
 - 1. Comprehensive and collision coverage for physical damage.
 - 2. Coverage for vehicle storage.
 - 3. Coverage for a vehicle driven by or at the direction of the permittee.
 - 4. The garage keeper's liability insurance must provide limits of liability for "auto" and "other than auto" in an amount not less than \$500,000 combined single limit. The Other Than Collision coverage shall include "Comprehensive" (all perils) coverage.
- d. Each insurance policy must state that it may not be canceled, materially modified or non-renewed unless the insurance company gives the Department of Public Works 30 days advance written notice..

Sec 150-127. Application

- a. A person who desires to operate a valet parking service in the public right-of-way, or on private property which requires the use of public right-of-way for maneuvering vehicles, shall submit an application for a permit to the Commissioner of Public Works for that purpose.
- b. A joint application may be made for one valet parking service to provide service to two or more premises located in close proximity to the proposed valet parking service pick-up/drop-off zone. Said application must include required application information as detailed in this section for all owners and lessees.
- c. The application must be made by the owner(s) or lessee(s) of the premises benefiting from the proposed valet parking service and must contain the following
 - 1. The names, addresses and telephone numbers of the applicant; if the applicant is a lessee, the property owner; and any independent contractor the applicant will use to provide valet parking service.
 - 2. The proposed location of the valet parking service pick-up/drop off zone and any valet parking service stands.
 - 3. The proposed hours and days of operation of the valet parking service.
 - 4. The location of a valet parking service reservoir area to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;

5. A traffic flow plan, including a map, describing the route(s) that vehicles will be driven between the proposed valet pick-up/drop-off zone and the valet reservoir area.
 6. Proof of insurance as required by Section 150-126;
 7. Signed indemnity and release forms that indemnify the city and its officers and employees against all claims of injury or damage to persons or property arising out of the operation of the valet parking service by the permittee;
 8. Signed affidavit and photographic proof that upon submission of the application, the applicant did post notification of the application in a location visible to the public for a period of 30 days.
 9. A copy of a valid local business tax receipt issued by the City; and
 10. Any other information reasonably required by the Commissioner of Public Works for the purpose of processing the application under the requirements of this division.
- d. The Office of Traffic and Transportation shall forward notice of any completed application to the applicable City of Atlanta Neighborhood Planning Unit for informational purposes only.
 - e. Upon submission of the application, the applicant shall post notification of the application at its place of business in a location visible to the public for a period of 30 days.
 - f. After reviewing the application and upon receiving payment of all fees required by this division, the Commissioner of Public Works may issue a valet parking service permit, unless the application is denied pursuant to Section 150-130.
 - g. A permittee desiring to change the location or hours of operation of a valet parking service must submit a new application to the Commissioner of Public Works.

Sec 150-128. Fees

- a. The Commissioner of Public Works is hereby authorized to charge the following fees:
 1. A nonrefundable application fee of \$300.00.
 2. An annual fee of \$35 per linear foot of curbside space designated for valet parking service drop-off and pick-up zones. Said fees shall be due upon approval of the application.

3. If the operation of the valet parking service requires use of metered parking spaces or area, the permittee shall also pay a fee of \$8 per day per meter. If the valet service is operated at a location for a portion of a day, the parking meter fee shall be pro-rated based on the amount of time the location is used for valet service.
 4. The sign installation fee shall be \$150 per sign, with the number of required signs to be determined by the Department of Public Works Office of Transportation. Said fees shall be due and payable once a permit has been approved, but prior to installation of the required signs by the Department of Public Works. Each sign shall indicate that the location is restricted for use by a valet parking service and state the days and hours of operation of the valet parking service
 5. No permit fee or sign fee shall be required for a valet parking service that is conducted completely on private property and the public right-of-way is only used for maneuvering vehicles.
- b. All application and permit fees collected for this purpose shall be deposited in Fund, Account, Center 1001 000002 3222108.

Sec 150-129. Violations

- a. An offense is committed if, without a permit issued by the Commissioner of Public Works, a valet parking service is operated within the city on public right-of-way or on private property which requires the use of public right-of-way for maneuvering vehicles.
- b. An offense is committed if, at a time other than the hours and days of operation authorized by the permit, an employee, agent or independent contractor of the permittee operates a valet parking service within the city on public right-of-way or on private property which requires the use of public right-of-way for maneuvering vehicles.
- c. An offense is committed if the permittee fails to keep on the premises of the permitted location a valid valet parking service permit at all times. The permittee's business is subject to inspection at any time by any authorized official of the City of Atlanta.
- d. Offenses "a", "b" and "c" shall result in the issuance of a citation and a \$1000 fine per occurrence.

Sec 150-130. Denial, Revocation or Suspension of Permit

- a. The Commissioner of Public Works shall deny a valet parking service permit or revoke without refund of any portion of any fees a valet parking service permit if:
 1. The applicant fails to comply with the requirements of this division or other applicable law;
 2. The applicant makes a false statement of material fact on an application for a valet parking service permit; or
 3. The Commissioner of Public Works determines that the operation of the valet parking service would:
 - i. endanger the safety of persons or property or otherwise not be in the public interest;
 - ii. unreasonably interfere with pedestrian or vehicular traffic;
 - iii. unreasonably interfere with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the proposed location of the valet parking service; or
 - iv. Unreasonably interfere with an existing use permitted at or near the proposed location of the valet parking service.
- b. The Commissioner of Public Works or the Atlanta Police Department may temporarily suspend the operations of a valet parking service if the public right-of-way reserved by the valet parking service is needed for an emergency or temporary use, including, but not limited to, the construction, maintenance, or repair of a street or utility or special event.
- c. The City of Atlanta Police Department and Department of Public Works parking enforcement personnel shall have the authority to enforce the provisions of this division.

Sec 150-131. Appeals and Hearings

Other than with regard to the authority of the commissioner of public works to suspend or modify operations of valet parking service pursuant to the provisions of Section 150-123, any aggrieved permit applicant or permit holder shall have the right to appeal the denial, suspension or revocation of a valet parking service permit. Such appeals shall proceed in the following manner.

- a. *Appeal of application denial.* An appeal of a denial of an application shall be submitted to the Commissioner of Public Works. Such appeal shall be in the form of a written statement setting forth fully the grounds for the appeal. The appeal shall be filed with the Commissioner of Public Works within ten (10) business

days after the notice of denial is issued. Notices which are given by mail shall be presumed to have been received three days after mailing.

1. Appeals to the Commissioner of Public Works shall result in the Commissioner setting forth a time and place for a hearing on the appeal. Hearings shall be informal, and shall be scheduled within ten (10) business days after receipt of the appeal. The determination of such hearing shall be made within ten (10) business days thereafter, which determination shall either affirm or modify the permit denial.
 2. The Commissioner's decision may affirm the original decision, may reverse and grant a permit, or may reverse and grant a permit with conditions.
 3. The hearing under this section shall be de novo. The application shall be evaluated in accordance with the criteria of this division.
 4. The written determination of the Commissioner of Public Works upon the hearing as provided in this division shall be the final decision of the city in the matter, and shall be subject to review by the Superior Court of Fulton County by a petition setting forth an appeal and naming the City of Atlanta as the defending party.
- b. *Appeal of permit suspension or revocation.* An appeal of a suspension or revocation of a valet parking service permit shall be submitted by the permit holder to the license and permits unit of the Atlanta Police Department. Such appeal shall be in the form of a written statement setting forth fully the grounds for the appeal. The permit holder may include with the written appeal all evidentiary materials that the permit holder wishes to submit in support of the permit holder's position. The appeal shall be filed with the license and permits unit within ten business days after the notice of suspension or revocation is issued. Notices which are given by mail shall be presumed to have been received three days after mailing.
1. Upon receipt of the appeal, the license and permits unit shall, within five business days, request the original written determination prepared by the Commissioner of Public Works. Said written determination forwarded to the license and permits unit shall include all relevant documentation and information supporting the recommendation of the Commissioner of Public Works.
 2. The Commissioner of Public Works shall forward the determination to the license and permits unit within ten (10) business days of receipt of the request from the license and permits unit.

3. Upon receipt of the determination and supporting documentation from the Commissioner of Public Works, the license and permits unit shall add the appeal to the agenda for the next regularly scheduled license review board meeting ("board") and shall notify the appellant in writing of the date, time, and location of said meeting.
4. At the hearing before the board, the appellant may present evidence and testimony in support of the appellant's position. The Commissioner of Public Works, or his designee, may then present evidence and testimony in support of the Commissioner's position.
5. At the conclusion of the hearing, the board shall make a recommendation to the mayor supporting the action taken by the Commissioner of Public Works, or modifying said action.
6. The mayor shall approve, modify, or reject the recommendation of the board within 90 calendar days of receipt of a recommendation from the board. Upon review of the board's recommendation and the record created during the board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the board for further hearing. In remanding the application back to the board, the mayor shall provide written instructions to the board and the license and permits unit identifying specific issues and/or matters the mayor requires the board to conduct further hearing upon. The appellant shall be provided with a five day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All matters remanded to the board shall be scheduled for further hearing before the board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an appeal within the 90 calendar days provided, and does not choose to remand the appeal to the license review board, the appellant shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor.

SECTION 3 That all ordinances and parts of ordinances in conflict are hereby repealed.

AMENDMENT FORM

COMMITTEE: TRANSPORTATION

PAGE NUMBER(S): _____

ORDINANCE I.D.#(S): 07-0-2418

SECTION#(S): Caption; Section 1

RESOLUTION I.D.#(S): _____

PARAGRAPH(S): _____

DATE: 7-16-8

INITIAL: JP

In the Caption
Replace the number "15-129" in line 3 with the
number "150-131"

In the last paragraph of Section 1, second from last
line, replace the number "129" with "131"

AN ORDINANCE
BY: COUNCILMEMBER KWANZA HALL

2418
07-O-~~241~~

AS SUBSTITUTED
BY: TRANSPORTATION COMMITTEE

AN ORDINANCE TO AMEND DIVISION 2 OF ARTICLE IV OF CHAPTER 150 TRAFFIC AND VEHICLES, SECTION 150-113 AND TO ADD NEW SECTIONS 150-120 THROUGH 15-129 IN NEW DIVISION 2A OF ARTICLE IV OF CHAPTER 150 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO ESTABLISH A PILOT PROGRAM TO PERMIT VALET PARKING SERVICES; TO ESTABLISH PROCEDURES FOR THE PERMITTING AND REGULATION OF THE VALET PARKING SERVICES PILOT PROGRAM; TO AUTHORIZE THE CHARGING OF FEES IN CONNECTION WITH THE REGULATION AND PERMITTING OF THE VALET PARKING SERVICES PILOT PROGRAM, TO ESTABLISH PENALTIES FOR THE VIOLATION OF THE PROCEDURES AND REQUIREMENTS FOR THE VALET PARKING SERVICES PILOT PROGRAM, AND FOR OTHER PURPOSES.

WHEREAS, by Ordinance 97-O-0374 adopted by the Atlanta City Council on May 5, 1997, and approved by the Mayor on May 14, 1997, curbside valet parking pick-up/drop-off zones are permitted; and,

WHEREAS, said Ordinance authorized the Department of Public Works Office of Transportation to establish procedures and requirements for permitting said zones; and,

WHEREAS, it is in the best interest of the City of Atlanta to authorize the establishment of an appropriate fee for permitting and designating said services; and,

WHEREAS, it is in the best interest of the City of Atlanta to provide penalties for the violation of the procedures and requirements for valet parking services; and,

WHEREAS, the City Council and the Department of Public Works seek to review and evaluate the overall operation of valet parking services within the public right of way for a period of eighteen months through the initiation of a Valet Parking Services Pilot Program

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1 Section 150-113 of the City of Atlanta Code of Ordinance, which currently reads:

Sec. 150-113. Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, or passengers and drivers for the

provision of off-street attendant parking services in any place marked as a passenger curb loading zone during hours when the regulations applicable to that curb loading zone are effective.

Is hereby amended as follows (underlined text is added, deleted text is ~~stricken~~):

Sec. 150-113. Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, or passengers and drivers for the provision of off-street attendant parking services as defined and regulated by Sections 150-120 through 150-129 in any place marked as a passenger curb loading zone during hours when the regulations applicable to that curb loading zone are effective.

SECTION 2 A new Division 2A, entitled “**Valet Parking Services Pilot Program**” is added to the City of Atlanta Code of Ordinances within Chapter 150 Traffic and Vehicles, Article IV. Stopping, Standing and Parking, as follows.

Sec 150-120. Valet Parking Services Pilot Program

- a. Duration: A Valet Parking Services Pilot Program is established for the purpose of permitting and regulating on-street valet parking services. The pilot program shall expire on January 31, 2010.
- b. The Pilot Program duration may be extended or the program converted to a permanent program only with the approval of City Council.
- c. Geographic Area: The Valet Parking Services Pilot Program shall be permitted only within the boundaries of the Atlanta Downtown Improvement District and the Midtown Improvement District. Permits for valet parking services shall be permitted only if the valet parking service pick-up/drop-off zone and valet parking service reservoir area are located entirely within the boundaries of the Atlanta Downtown Improvement District and the Midtown Improvement District.
- d. This Division, as well as all related and applicable Code Sections contained in Chapter 150 of the City’s Code of Ordinances, are not applicable to the “Airport”, as that term is defined in Chapter 22, Article III., Division 1, Section 22-56 of the City’s Code of Ordinances.

Sec 150-121. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Attendant means a person who operates a vehicle between a pick-up/drop-off zone and a parking location on behalf of a valet parking service. Attendants are required to wear a badge, uniform or shirt which identifies the attendant as an authorized employee of the valet parking service.

Permittee means a person permitted under this division to operate a valet parking service. The term includes any employee, agent or independent contractor of the person in whose name the permit is issued.

Valet Parking Service means a business, or any part of a business, which provides a driver to operate a vehicle to and from a parking location so that the driver and passengers in the vehicle may unload and load at their immediate destination regardless of whether a fee is charged.

Valet Parking Service Pick-Up/Drop-Off Zone means a designated location where an attendant takes possession of a vehicle for the purpose of parking and returns the vehicle to the possession of the driver thereof. Said zones:

- a. Shall be approved by the Department of Public Works
- b. Shall be a minimum length of 50 feet and may not exceed the length of the permittee's property frontage(s) on the City street(s) adjoining such property.
- c. Shall exist only on City streets that are a minimum of 30 feet wide.
- d. Shall be permitted only in the curb lane of the street.
- e. May be permitted where parking meters are installed.
- f. Shall not be permitted in an area in which parking is restricted for other use.
- g. Shall not be located within 20 feet of a crosswalk or 30 feet of an intersection, whichever is greater
- h. Shall not be located within 5 feet of a driveway
- i. Shall not be located within 3 feet in front of or 15 feet behind a sign marking a designated bus stop
- j. Shall not reduce the unobstructed space for the passage of pedestrians to less than 4 feet unless a greater distance is required by the Commissioner and warranted by special pedestrian traffic conditions.
- k. Shall not be located within the area used by vehicle detection devices near signalized intersections.
- l. Shall not be located on any street that is part of the Georgia Department of Transportation State Route System

Valet Parking Service Reservoir Area means premises where a valet parking service parks vehicles. Said area:

- a. Shall be approved by the Department of Public Works
- b. Shall be appropriately zoned in accordance with the City of Atlanta Zoning Code
- c. Shall comply with the requirements set forth in the City of Atlanta Ordinance contained in Part 16 of the City of Atlanta Land Development Code and in particular at Sections 16-28.014(1) and (3), Section 158-30, and any other applicable code sections
- d. Shall be located within a 1,000 feet radius of the associated pick-up/drop-off zone.
- e. Shall not be located within the public right-of-way

Valet Parking Service Stand means a temporary removable structure located near the pick-up/drop-off zone that is utilized by the valet operator for the general conduct of the valet parking service, including the dispatch of attendants and the storage of keys, umbrellas and other items.

Sec 150-122. Purpose

- a. The Department of Public Works Office of Transportation is authorized to issue permits for the operation of valet parking service on the public right of way.
- b. Other than permitting and regulating valet parking service, this ordinance does not remove or modify any current rules and regulations applicable to off-street attendant parking services.
- c. Nothing in this division shall be construed to permit a commercial establishment to substitute valet off-street attendant parking services for any parking requirements imposed by the City of Atlanta Code of Ordinances including but not limited to the Zoning Ordinance contained in Part 16 of the City of Atlanta Land Development Code or in the provisions related to the control of alcoholic beverages contained in Chapter 10 of the Code of Ordinances.
- d. Nothing in this division shall be construed to give any person, whether or not a permittee, any property right in or to use any street. All permits issued and held under this division shall be subject to the superior right of the public to the safe and orderly movement of traffic.

Sec 150-123. Permit Required

- a. A permittee must keep on the premises of the permitted location a valet parking service permit at all times and may be subject to inspection by any authorized official of the City of Atlanta.
- b. All valet parking service permits shall be valid until January 31, 2010. Permit fees for periods greater than or less than one year will be prorated accordingly.

Sec 150-124. Standards of Operation

a. A permittee shall:

1. Allow only employees and independent contractors who hold a valid state driver's license, and who are covered by insurance as required by Section 150-126 of this division, to operate any vehicle in connection with the valet parking service;
2. Maintain a valet parking service stand that meets the requirements of Section 150-125 at each location where the permittee provides valet parking service;
3. Operate the valet parking service in a manner that does not:
 - i. use or occupy more of the public right-of-way than is allowed by the valet parking service permit;
 - ii. unreasonably interfere with safe traffic operations of roadways, driveways and intersections;
 - iii. obstruct a pedestrian's use of a sidewalk;
 - iv. obstruct a vehicle operator's ability to see any part of an intersecting road; or
 - v. injure, damage, or create a hazard to persons or property;
4. Not park or allow the parking of a vehicle in a valet parking service space, or allow the loading and unloading of goods, equipment, or merchandise, but shall only use the space for loading and unloading passengers; in no event shall a vehicle be allowed to remain in a valet parking service space for more than five minutes;
5. Place no more than one valet parking service stand in the public right-of-way;
6. Not place a sign identifying or advertising the service on a street or sidewalk unless the sign is located on the valet parking service stand or as provided for in Section 150-125 (c);
7. At no time allow a vehicle to be unattended in a pick-up/drop-off zone;
8. Continuously provide valet parking service during all hours of operation authorized in the permit;
9. Only use an off-street parking location to park a vehicle accepted for valet parking service and shall not park the vehicle in the public right-of-way; and
10. Notify the Department of Public Works within 10 days of a change in the location of off-street parking and provide the Commissioner of Public Works

the coverage provisions must insure the public against loss or damage that may arise to any person or property by reason of the operation of a valet parking service by the permittee.

- b. The Comprehensive General Liability insurance must be on a broad form and provide limits of liability for bodily injury and property damage in an amount of \$1,000,000 per occurrence with a \$2,000,000 aggregate.
- c. The Business Auto Liability insurance must provide limits of liability for bodily injury and property damage in an amount not less than \$500,000 combined single limit. The following extensions of coverage must be included.
 - 1. Comprehensive and collision coverage for physical damage.
 - 2. Coverage for vehicle storage.
 - 3. Coverage for a vehicle driven by or at the direction of the permittee.
 - 4. The garage keeper's liability insurance must provide limits of liability for "auto" and "other than auto" in an amount not less than \$500,000 combined single limit. The Other Than Collision coverage shall include "Comprehensive" (all perils) coverage.
- d. Each insurance policy must state that it may not be canceled, materially modified or non-renewed unless the insurance company gives the Department of Public Works 30 days advance written notice..

Sec 150-127. Application

- a. A person who desires to operate a valet parking service in the public right-of-way, or on private property which requires the use of public right-of-way for maneuvering vehicles, shall submit an application for a permit to the Commissioner of Public Works for that purpose.
- b. A joint application may be made for one valet parking service to provide service to two or more premises located in close proximity to the proposed valet parking service pick-up/drop-off zone. Said application must include required application information as detailed in this section for all owners and lessees.
- c. The application must be made by the owner(s) or lessee(s) of the premises benefiting from the proposed valet parking service and must contain the following
 - 1. The names, addresses and telephone numbers of the applicant; if the applicant is a lessee, the property owner; and any independent contractor the applicant will use to provide valet parking service.

2. The proposed location of the valet parking service pick-up/drop off zone and any valet parking service stands.
 3. The proposed hours and days of operation of the valet parking service.
 4. The location of a valet parking service reservoir area to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;
 5. A traffic flow plan, including a map, describing the route(s) that vehicles will be driven between the proposed valet pick-up/drop-off zone and the valet reservoir area.
 6. Proof of insurance as required by Section 150-126;
 7. Signed indemnity and release forms that indemnify the city and its officers and employees against all claims of injury or damage to persons or property arising out of the operation of the valet parking service by the permittee;
 8. Signed affidavit and photographic proof that upon submission of the application, the applicant did post notification of the application in a location visible to the public for a period of 30 days.
 9. A copy of a valid local business tax receipt issued by the City; and
 10. Any other information reasonably required by the Commissioner of Public Works for the purpose of processing the application under the requirements of this division.
- d. The Office of Traffic and Transportation shall forward notice of any completed application to the applicable City of Atlanta Neighborhood Planning Unit for informational purposes only.
- e. Upon submission of the application, the applicant shall post notification of the application at its place of business in a location visible to the public for a period of 30 days.
- f. After reviewing the application and upon receiving payment of all fees required by this division, the Commissioner of Public Works may issue a valet parking service permit, unless the application is denied pursuant to Section 150-130.
- g. A permittee desiring to change the location or hours of operation of a valet parking service must submit a new application to the Commissioner of Public Works.

Sec 150-128. Fees

- a. The Commissioner of Public Works is hereby authorized to charge the following fees:
 1. A nonrefundable application fee of \$300.00.
 2. An annual fee of \$35 per linear foot of curbside space designated for valet parking service drop-off and pick-up zones. Said fees shall be due upon approval of the application.
 3. If the operation of the valet parking service requires use of metered parking spaces or area, the permittee shall also pay a fee of \$8 per day per meter. If the valet service is operated at a location for a portion of a day, the parking meter fee shall be pro-rated based on the amount of time the location is used for valet service.
 4. The sign installation fee shall be \$150 per sign, with the number of required signs to be determined by the Department of Public Works Office of Transportation. Said fees shall be due and payable once a permit has been approved, but prior to installation of the required signs by the Department of Public Works. Each sign shall indicate that the location is restricted for use by a valet parking service and state the days and hours of operation of the valet parking service
 5. No permit fee or sign fee shall be required for a valet parking service that is conducted completely on private property and the public right-of-way is only used for maneuvering vehicles.
- b. All application and permit fees collected for this purpose shall be deposited in Fund, Account, Center 1001 000002 3222108.

Sec 150-129. Violations

- a. An offense is committed if, without a permit issued by the Commissioner of Public Works, a valet parking service is operated within the city on public right-of-way or on private property which requires the use of public right-of-way for maneuvering vehicles.
- b. An offense is committed if, at a time other than the hours and days of operation authorized by the permit, an employee, agent or independent contractor of the permittee operates a valet parking service within the city on public right-of-way or on private property which requires the use of public right-of-way for maneuvering vehicles.

- c. An offense is committed if the permittee fails to keep on the premises of the permitted location a valid valet parking service permit at all times. The permittee's business is subject to inspection at any time by any authorized official of the City of Atlanta.
- d. Offenses "a", "b" and "c" shall result in the issuance of a citation and a \$1000 fine per occurrence.

Sec 150-130. Denial, Revocation or Suspension of Permit

- a. The Commissioner of Public Works shall deny a valet parking service permit or revoke without refund of any portion of any fees a valet parking service permit if:
 - 1. The applicant fails to comply with the requirements of this division or other applicable law;
 - 2. The applicant makes a false statement of material fact on an application for a valet parking service permit; or
 - 3. The Commissioner of Public Works determines that the operation of the valet parking service would:
 - i. endanger the safety of persons or property or otherwise not be in the public interest;
 - ii. unreasonably interfere with pedestrian or vehicular traffic;
 - iii. unreasonably interfere with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the proposed location of the valet parking service; or
 - iv. Unreasonably interfere with an existing use permitted at or near the proposed location of the valet parking service.
- b. The Commissioner of Public Works or the Atlanta Police Department may temporarily suspend the operations of a valet parking service if the public right-of-way reserved by the valet parking service is needed for an emergency or temporary use, including, but not limited to, the construction, maintenance, or repair of a street or utility or special event.
- c. The City of Atlanta Police Department and Department of Public Works parking enforcement personnel shall have the authority to enforce the provisions of this division.

Sec 150-131. Appeals and Hearings

Other than with regard to the authority of the commissioner of public works to suspend or modify operations of valet parking service pursuant to the provisions of Section 150-123, any aggrieved permit applicant or permit holder shall have the right to appeal the denial,

suspension or revocation of a valet parking service permit. Such appeals shall proceed in the following manner.

- a. *Appeal of application denial.* An appeal of a denial of an application shall be submitted to the Commissioner of Public Works. Such appeal shall be in the form of a written statement setting forth fully the grounds for the appeal. The appeal shall be filed with the Commissioner of Public Works within ten (10) business days after the notice of denial is issued. Notices which are given by mail shall be presumed to have been received three days after mailing.
 1. Appeals to the Commissioner of Public Works shall result in the Commissioner setting forth a time and place for a hearing on the appeal. Hearings shall be informal, and shall be scheduled within ten (10) business days after receipt of the appeal. The determination of such hearing shall be made within ten (10) business days thereafter, which determination shall either affirm or modify the permit denial.
 2. The Commissioner's decision may affirm the original decision, may reverse and grant a permit, or may reverse and grant a permit with conditions.
 3. The hearing under this section shall be de novo. The application shall be evaluated in accordance with the criteria of this division.
 4. The written determination of the Commissioner of Public Works upon the hearing as provided in this division shall be the final decision of the city in the matter, and shall be subject to review by the Superior Court of Fulton County by a petition setting forth an appeal and naming the City of Atlanta as the defending party.
- b. *Appeal of permit suspension or revocation.* An appeal of a suspension or revocation of a valet parking service permit shall be submitted by the permit holder to the license and permits unit of the Atlanta Police Department. Such appeal shall be in the form of a written statement setting forth fully the grounds for the appeal. The permit holder may include with the written appeal all evidentiary materials that the permit holder wishes to submit in support of the permit holder's position. The appeal shall be filed with the license and permits unit within ten business days after the notice of suspension or revocation is issued. Notices which are given by mail shall be presumed to have been received three days after mailing.
 1. Upon receipt of the appeal, the license and permits unit shall, within five business days, request the original written determination prepared by the Commissioner of Public Works. Said written determination forwarded to the license and permits unit shall include all relevant documentation and

information supporting the recommendation of the Commissioner of Public Works.

2. The Commissioner of Public Works shall forward the determination to the license and permits unit within ten (10) business days of receipt of the request from the license and permits unit.
3. Upon receipt of the determination and supporting documentation from the Commissioner of Public Works, the license and permits unit shall add the appeal to the agenda for the next regularly scheduled license review board meeting ("board") and shall notify the appellant in writing of the date, time, and location of said meeting.
4. At the hearing before the board, the appellant may present evidence and testimony in support of the appellant's position. The Commissioner of Public Works, or his designee, may then present evidence and testimony in support of the Commissioner's position.
5. At the conclusion of the hearing, the board shall make a recommendation to the mayor supporting the action taken by the Commissioner of Public Works, or modifying said action.
6. The mayor shall approve, modify, or reject the recommendation of the board within 90 calendar days of receipt of a recommendation from the board. Upon review of the board's recommendation and the record created during the board hearing, if the mayor determines there exists the need to correct a clear error or prevent a manifest injustice, the mayor may remand the application back to the board for further hearing. In remanding the application back to the board, the mayor shall provide written instructions to the board and the license and permits unit identifying specific issues and/or matters the mayor requires the board to conduct further hearing upon. The appellant shall be provided with a five day written notice stating the specific issues and/or matters to be addressed on remand, along with the place, date and time of the remand hearing. All matters remanded to the board shall be scheduled for further hearing before the board no later than 30 days after the date of remand. If the mayor does not make a decision to grant or deny an appeal within the 90 calendar days provided, and does not choose to remand the appeal to the license review board, the appellant shall be approved or denied wherein the recommendation of the license review board shall become the final decision of the mayor.

SECTION 3 That all ordinances and parts of ordinances in conflict are hereby repealed.

BY: KWANZA HALL

AN ORDINANCE TO AMEND SECTION 150-113 AND TO ADD NEW SECTIONS 150-120 THROUGH 15-128 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO ESTABLISH PROCEDURES FOR THE PERMITTING AND REGULATION OF VALET PARKING SERVICES, TO AUTHORIZE THE CHARGING OF FEES IN CONNECTION WITH THE REGULATION AND PERMITTING OF VALET PARKING SERVICES, TO ESTABLISH PENALTIES FOR THE VIOLATION OF THE PROCEDURES AND REQUIREMENTS FOR VALET PARKING SERVICES, AND FOR OTHER PURPOSES.

WHEREAS, by Ordinance 97-0-0374 adopted by the Atlanta City Council on May 5, 1997 and approved per Section 2-402 of the Atlanta City Charter on May 14, 1997, curbside valet parking pick-up/drop-off zones are permitted; and, WHEREAS, said ordinance authorized the Department of Public Works Office of Traffic and Transportation to establish procedures and requirements for permitting said zones; and,

WHEREAS, it is in the best interest of the City of Atlanta to authorize the establishment of an appropriate fee for permitting and designating said services; and,

WHEREAS, it is in the best interest of the City of Atlanta to provide penalties for the violation of the procedures and requirements for valet parking services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1

The Section 150-113 of the City of Atlanta Code of Ordinance that reads:

Sec. 150-113. Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, or passengers and drivers for the provision of off-street attendant parking services in any place marked as a passenger curb loading zone during hours when the regulations applicable to that curb loading zone are effective.

be amended such that Section 15-113 of the City of Atlanta Code of Ordinance shall read as follows (underlined text is added, deleted text is stricken):

Sec. 150-113. Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, or passengers and drivers for the provision of off-street attendant parking services as defined and regulated by Sections 150-120 through 150-128 in any place marked as a passenger curb loading zone during hours when the regulations applicable to that curb loading zone are effective.

SECTION 2

That a new Division 2A. Valet Parking Services be added to the City of Atlanta Code of Ordinance within Chapter 150 Traffic and Vehicles, Article IV. Stopping, Standing and Parking as follows.

Sec 150-120. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Attendant means a person who operates a vehicle between a pick-up/drop-off zone and a parking location on behalf of a valet parking service

Permittee means a person permitted under this division to operate a valet parking service. The term includes any employee, agent or independent contractor of the person in whose name the permit is issued.

Valet Parking Service means a business, or any part of a business, which provides a driver to operate a vehicle to and from a parking location so that the driver and passengers in the vehicle may unload and load at their immediate destination regardless of whether a fee is charged.

Valet Parking Service Pick-Up/Drop-Off Zone means a designated location where an attendant takes possession of a vehicle for the purpose of parking and returns the vehicle to the possession of the driver thereof. Said zones:

- a. Shall be approved by the application described in this Division
- b. Shall be a minimum length of 50 feet and may not exceed the length of the permittee's property frontage(s) on the City street(s) adjoining such property.
- c. Shall exist only on City streets that are a minimum of 30 feet wide.
- d. Shall be permitted only in the curb lane of the street.
- e. Shall be permitted where parking meters are installed.
- f. Shall not be permitted in an area in which parking is restricted for other use.
- g. Shall not be located within 10 feet of a crosswalk
- h. Shall not be located within 5 feet of a driveway
- i. Shall not be located within 3 feet in front of or 15 feet behind a sign marking a designated bus stop
- j. Shall not reduce the unobstructed space for the passage of pedestrians to less than 4 feet unless a greater distance is required by the Commissioner and warranted by special pedestrian traffic conditions.

Valet Parking Service Reservoir Area premises where a valet parking service parks vehicles. Said area

- a. Shall be approved by the application described in this Division
- b. Shall be appropriately zoned in accordance with the City of Atlanta Zoning Ordinance
- c. Shall comply with the requirements set forth in the City of Atlanta Code of Ordinances Section 16-38.014(1) and (3)
- d. Shall be located within 1,000 feet radially of the associated pick-up/drop-off zone.

Valet Parking Service Stand means a temporary removable structure located near the pick-up/drop-off zone that is utilized by the valet operator for the general conduct of the valet parking service, including the dispatch of attendants and the storage of keys, umbrellas and other items.

Sec 150-121. Purpose

- a. The Department of Public Works Office of Traffic and Transportation shall issue permits for the operation of valet parking service on the public right of way.
- b. Other than permitting and regulating valet parking service, this ordinance does not

remove or modify any current rules and regulations applicable to off-street attendant parking services.

c. Nothing in this ordinance shall be construed to permit a commercial establishment to substitute valet off-street attendant parking services for any parking requirements imposed by either the City of Atlanta Zoning Ordinance or the liquor license provisions of the Code of Ordinances.

d. Nothing in this division shall be construed to give any person, whether or not a permittee, any property right in or to use any street. All permits issued and held under this division shall be subject to the superior right of the public to the safe and orderly movement of traffic.

Sec 150-122 Permit Required

a. An offense is committed if, without a permit issued by the Commissioner of Public Works, a valet parking service is operated within the city on public right-of-way or on private property which requires the use of public right-of-way for maneuvering vehicles. Said offense shall result in the issuance of a citation and fines as provided in Section 62-35.

b. A permittee commits an offense if, at a time other than the hours and days of operation authorized by his permit, he or his employee, agent or independent contractor operates a valet parking service within the city on public right-of-way or on private property which requires the use of public right-of-way for maneuvering vehicles.

c. A permittee must keep on the premises of the permitted location a valet parking service permit at all times and may be subject to inspection by any authorized official of the City of Atlanta.

d. All valet parking service permits shall be legal for a period of twelve months from the date that the permits are signed. Ninety (90) days before the expiration of the valet parking service permits, permits are eligible for consideration for renewal.

Sec 150-123 Application

a. A person who desires to operate a valet parking service on public right-of-way, or on private property which requires the use of public right-of-way for maneuvering vehicles, shall submit an application for a permit promulgated by the Commission for that purpose.

b. The application must be made by the owner or lessee of the premises benefiting from the proposed valet parking service and must contain the following

1. The names, addresses and telephone numbers of the applicant; if the applicant is a lessee, the property owner; and any independent contractor the applicant will use to provide valet parking service.

2. The proposed location of the valet parking service pick-up/drop off zone and any valet parking service stands.

3. The proposed hours and days of operation of the valet parking service;

4. The location of a valet parking service reservoir area to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;

5. Proof of insurance required by Sec. 150-127;

6. Signed indemnity and release form that indemnifies the city and its officers and employees against all claims of injury or damage to persons or property

arising out of the operation of the valet parking service by the permittee;

7. A list of names and addresses of all property owners, or their representatives, located within 50 feet of, on the same side of the street as, and within the same block as the valet parking service location, either: (a) with signatures showing consent to the operation of a valet parking service by the applicant; or (b) without signatures, in which case the director shall notify the listed persons of the valet parking service application and obtain comments; and

8. Any other information reasonably required by the Commissioner of Public Works for the purpose of processing the application under the requirements of this division.

e. The Office of Traffic and Transportation shall forward a copy of any completed application to any person required to be notified under Subsection (b)(6) and to the departments of solid waste, code compliance, bureau of buildings, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the Office of Traffic and Transportation within 30 days of receipt.

f. After reviewing the application and comments of the departments and of any person notified in accordance with Subsection (b)(6), and upon receiving payment of all fees required by this division, the Commissioner of Public Works may issue a valet parking service permit unless denial is required by Sec. 150-125.

g. A permittee desiring to change the location or hours of operation of a valet parking service must submit a new application

Sec 150-124. Fees

a. The Commissioner of Public Works is hereby authorized to charge the following fees:

1. A nonrefundable application fee of \$100.00 must accompany each application for a valet parking service permit.

2. The valet parking service permit fee shall be \$60 per linear foot of curbside space designated for valet parking service drop-off and pick-up zones. Said fees shall be due initially upon approval of the application and payable once a year thereafter upon the approval of a renewal application.

3. The sign fee shall be \$350 per sign, with the number of required signs to be determined by the Department of Public Works Office of Traffic and Transportation. Said fees shall be due and payable once a permit has been approved, but prior to installation of the required signs by the Department of Public Works. Said sign shall indicate that the location is restricted for use by a valet parking service and state the days and hours of operation of the valet parking service

4. No permit fee or sign fee shall be required for a valet parking service that is conducted completely on private property and the public right-of-way is only used for maneuvering vehicles.

b. All application and permit fees collected for this purpose shall be deposited in Fund, Account, Center 1A01 442312 B00001 (New Sidewalk Construction Project).

Sec 150-125 Denial, Revocation or Suspension of Permit

a. The Commissioner of Public Works shall deny a valet parking service permit or revoke a valet parking service permit if:

1. The applicant fails to comply with the requirements of this division or other applicable law;
2. The applicant makes a false statement of material fact on an application for a valet parking service permit; or
3. The Commissioner of Public Works determines that the operation of the valet parking service would:
 - i. endanger the safety of persons or property or otherwise not be in the public interest;
 - ii. unreasonably interfere with pedestrian or vehicular traffic;
 - iii. unreasonably interfere with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the proposed location of the valet parking service; or
 - iv. unreasonably interfere with an existing use permitted at or near the proposed location of the valet parking service.

b. The Commissioner of Public Works or the Atlanta Police Department may temporarily suspend the operations of a valet parking service if the public right-of-way reserved by the valet parking service is needed for an emergency or temporary use, including, but not limited to, the construction, maintenance, or repair of a street or utility.

c. The authority for the enforcement of this division shall be the City of Atlanta Police Department.

Sec 150-126. Standards of Operation

a. A permittee shall:

1. Allow only employees and independent contractors who hold a valid state driver's license, and who are covered by the insurance required by Section 150-128 of this division, to operate any vehicle in connection with the valet parking service;
2. Maintain a valet parking service stand that meets the requirements of Sec. 150-128 at each location where the permittee provides valet parking service;
3. Operate the valet parking service in a manner that does not:
 - i. use or occupy more of the public right-of-way than is allowed by his valet parking service license;
 - ii. unreasonably interfere with safe traffic operations of roadways, driveways and intersections;
 - iii. obstruct a pedestrian's use of a sidewalk;
 - iv. obstruct a vehicle operator's ability to see any part of an intersecting road; or
 - v. injure, damage, or create a hazard to persons or property;
4. Not park or allow the parking of a vehicle in a valet parking service space, or allow the loading and unloading of goods, equipment, or merchandise, but shall only use the space for loading and unloading passengers; in no event shall a vehicle be allowed to remain in a valet parking service space for more than five minutes;
5. Place no more than one valet parking service stand on public right-of-way;

6. Not place a sign identifying or advertising the service on a street or sidewalk unless the sign is located on the valet parking service stand or as provided for in Sec. 150-128 (c);

7. At no time allow a vehicle to be unattended in a pick-up/drop-off zone;

8. Continuously provide valet parking service during all hours of operation authorized in his permit;

9. Only use an off-street parking location to park a vehicle accepted for valet parking service and shall not park the vehicle on public right-of-way; and

10. Notify the Department of Public Works within 10 days of a change in the location of off-street parking and provide the Commissioner of Public Works with a signed agreement or other documentation showing that the permittee has a legal right to park vehicles at the new location.

b. At all times other than the authorized hours of operation of a valet parking service, spaces reserved by the valet parking service shall be available for use by the general public on a first-come, first-served basis in accordance with posted signs and other traffic control devices, except where parking is restricted or prohibited.

Sec 150-127. Insurance

a. A permittee shall procure, or cause to be procured, and keep continuously in full force and effect during the duration of valet parking service operations, and shall keep on file with the Department of Public Works, a policy of comprehensive general liability insurance and garage insurance, or a certificate of insurance, issued by a casualty insurance company authorized to do business in this state and in the standard form approved by the board of insurance commissioners of the state. The insured provisions of the policy must include the city, and its officers and employees, as insureds and the coverage provisions must insure the public against loss or damage that may arise to any person or property by reason of the operation of a valet parking service by the permittee.

b. The comprehensive general liability insurance must be on a broad form and provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit, or the equivalent.

c. The garage insurance must provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit, or the equivalent, and must provide the following coverages:

1. Comprehensive and collision coverage for physical damage.

2. Coverage for vehicle storage.

3. Coverage for a vehicle driven by or at the direction of the permittee.

d. Each insurance policy must state that it may not be canceled, materially modified or nonrenewed unless the insurance company gives the Department of Public Works 30 days advance written notice.

Sec 150-128. Valet Parking Service Stand

a. A permittee shall provide one valet parking service stand at each permitted location. The valet parking service stand may be located on the public right-of-way at a location approved by the Department of Public Works or within the adjacent building for whose benefit the valet parking service is provided. The valet parking service stand must be necessary to the general conduct of the valet

parking service and shall be used for such purposes, including, but not limited to, the dispatch of valets and the storage of keys, umbrellas, and other items.

b. A valet parking service stand shall:

1. occupy an area of the public right-of-way no greater than four feet by four feet or one-half the width of the sidewalk if the sidewalk is less than eight feet wide;
2. not be affixed to the public right-of-way in any manner;
3. be easily moveable by one person;
4. be removed from the public right-of-way when the valet parking service is not being operated;
5. be secured and locked when left unattended; and
6. have affixed a sign not larger than four feet by four feet for the sole purpose of identifying the valet parking service indicating the name of the operator of the valet parking service and the fee for valet parking service, if any.

c. If the valet parking service stand is located within a building, the permittee shall provide a portable sign that meets the requirements of item Sec. 150-128 (b)(6) on the sidewalk at the pick-up/drop-off zone.

SECTION 3

That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.